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2012 OCT 19 AM 11:15

CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES

BY _____

5 Attorney for Plaintiff

6

7 UNITED STATES DISTRICT COURT

8

9 CENTRAL DISTRICT OF CALIFORNIA

10 EHTRAM U. MIRZA,

) CASE NO.: SACV12-1832-AG
(ANA)

11) Plaintiff,

)

12) v.

)

13) ASSET ACCEPTANCE CAPITAL
14) CORP. d.b.a. ASSET ACCEPTANCE,
15) LLC and DOES 1 though 10, inclusive

) COMPLAINT FOR DAMAGES

16)
17 Defendants.)

18 Plaintiff, by and through his attorney, Amir J. Goldstein, Esq., as and for his complaint
19 against the Defendant ASSET ACCEPTANCE CAPITAL CORP. d.b.a. ASSET
20 ACCEPTANCE, LLC alleges as follows:

22 INTRODUCTION

- 23 1. This is an action for damages brought by an individual consumer for the Defendant's
24 violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq.
25 ("FDCPA") and the Rosenthal Fair Debt Collection Practices Act, California Civil
26 Code § 1788, et seq. ("Rosenthal Act") which prohibits debt collectors from engaging
27 in abusive, deceptive and unfair practices.

PARTIES

2. Plaintiff is a natural person residing in Los Angeles County, California.
3. Upon information and belief, the Defendant is a debt collector as defined pursuant to
15 U.S.C. § 1692 a(6) with its principal place of business in Anaheim, California.

JURISDICTION

4. This Court has jurisdiction pursuant to 15 U.S.C. § 1692k and 28 U.S.C. § 1331 and venue is proper in this district pursuant to 28 U.S.C. § 1391(c), as the venue is appropriate where the Defendant corporation is subject to jurisdiction in this district as it resides and regularly conducts business in this district.

FIRST CAUSE OF ACTION

5. Plaintiff realleges paragraphs 1 through 4 as if fully restated herein.
6. That a personal debt was allegedly incurred by the Plaintiff to one "Chase Health Advance."
7. That at a time unknown to Plaintiff herein, the aforementioned debt was referred and/or assigned to Defendant for collection.
8. That the Defendant reported the aforementioned debt to the credit reporting agencies, including, but not limited to, Equifax.
9. That in response, Plaintiff sent the Defendant a letter, dated April 3, 2012, to dispute and request validation of the alleged debt in accordance with his consumer rights.
10. That Defendant failed to provide the Plaintiff with validation as required by the FDCPA.
11. That the Plaintiff sent the Defendant a second letter, dated April 12, 2012, to dispute and request validation of the alleged debt in accordance with his consumer rights.
12. That notwithstanding Plaintiff's repeated, lawful disputes and further requests for validation of the debt, Defendant continued to fail to provide validation of the alleged debt.

- 1 13. That notwithstanding Plaintiff's written requests for validation, the Defendant sent the
- 2 Plaintiff a dunning notice in an attempt to collect the aforementioned debt.
- 3 14. That in said dunning notice, dated April 13, 2012, the Defendant, to further confuse
- 4 Plaintiff, deceptively stated in pertinent part, "**...we are presently unable to**
- 5 **determine the nature of your dispute.**"
- 6 15. That, in addition, said dunning notice contained the following misrepresentations: "**If**
- 7 **you still have reason to believe the information is inaccurate, please provide an**
- 8 **explanation of why it is inaccurate, as well as any supporting documentation.**"
- 9 16. That said notice contains statements that are misleading in that they do not clearly or
- 10 properly provide information concerning the alleged debt and fail to provide validation
- 11 as required by law.
- 12 17. That said notice deceptively and unfairly puts the burden on the consumer to provide
- 13 information and documentation to the collection agency regarding the alleged debt and
- 14 the nature of the consumer's dispute.
- 15 18. That said notice contains misleading and overshadowing language, confusing the
- 16 Plaintiff as to his consumer's rights
- 17 19. That upon information and belief, Defendant had no intention or ability to validate the
- 18 alleged debt upon Plaintiff's multiple requests.
- 19 20. That Defendant's actions are false and misleading.
- 20 21. That Defendant, in an attempt to collect a debt, engages in a pattern or practice of
- 21 communicating with consumers where the representations made by the Defendant are
- 22 harassing, confusing, misleading, deceptive and/or unfair.
- 23 22. That due to Defendant's conduct, Plaintiff suffered actual damages, including, but not
- 24 limited to: embarrassment, humiliation, stress, anxiety, aggravation and sleepless
- 25 nights.
- 26 23. That as a result of Defendant's conduct, the Plaintiff suffered damage by loss of credit;
- 27 loss of the ability to purchase and benefit from credit; and the mental and emotional
- 28 pain, anguish, humiliation, and embarrassment of credit denials.

- 1 24. That the Defendant violated the FDCPA. That Defendant's violations include, but are
2 not limited to, the following:
- 3 (a) That Defendant's letter contains false and deceptive representations in
4 violation of 15 U.S.C. §1692e.
- 5 (b) That the Defendant violated 15 U.S.C. §1692e by communicating credit
6 information which is known or which should be known to be false, including
7 the failure to communicate that a disputed debt is disputed.
- 8 (c) That Defendant's communications contain language demonstrating unfair or
9 unconscionable means to collect or attempt to collect any debt in violation of
10 15 U.S.C. §1692f.
- 11 (d) Defendant violated 15 U.S.C. 1692g for failing to provide the Plaintiff with
12 written validation and continuing its collection efforts notwithstanding
13 Plaintiff's written request for validation.
- 14 25. That as per 15 U.S.C. § 1692 et seq. and as a result of the above violations, the
15 Defendant is liable to the Plaintiff for statutory and actual damages in an amount to be
16 determined at the time of trial but not less than \$1,000.00 per violation, plus costs and
17 attorney's fees.

18
19 **AS AND FOR A SECOND CAUSE OF ACTION ON BEHALF OF PLAINTIFF**

- 20 26. Plaintiff realleges paragraphs 1 through 25 as if fully restated herein.
- 21 27. The Rosenthal Fair Debt Collection Practices Act (Rosenthal Act), California Civil
22 Code § 1788, et seq., prohibits unfair and deceptive acts and practices in the collection
23 of consumer debts.
- 24 28. By its acts and practices as hereinabove described, the Defendant has violated the
25 Rosenthal Act as follows, without limitation; by contradicting and overshadowing the
26 consumer's rights, by failing to include certain debt collection notices and disclosures
27 required by law and by violating the FDCPA.
- 28 29. Pursuant to § 1788.30 of the Rosenthal Act, Plaintiff is entitled to recover his actual

1 damages sustained as a result of the Defendant's violations of the Rosenthal Act. Such
2 damages include, without limitation, statutory damages, any actual damages sustained,
3 other resulting monetary losses and damages, and emotional distress suffered by
4 Plaintiff, which damages are in an amount to be proven at trial.

5 30. In addition, because the Defendant's violations of the Rosenthal Act were committed
6 willingly and knowingly, Plaintiff is entitled to recover penalties of at least \$1,000 per
7 violation as provided for in the Act.

8 31. Pursuant to § 1788.30(c) Rosenthal Act, Plaintiff is entitled to recover all attorneys'
9 fees, costs and expenses incurred in the bringing of this action.

10
11 **WHEREFORE**, Plaintiff respectfully prays that judgment be entered against Defendant in
12 the amount of:

13 (a) Statutory damages and actual damages pursuant to 15 U.S.C. § 1692k in an
14 amount to be determined at the time of trial on the first cause of action.

15 (b) Statutory damages and actual damages pursuant to Civil Code §1788.30 *et*
16 *seq.*, as to the second cause of action.

17 (c) Costs and reasonable attorney's fees pursuant to 15 U.S.C. § 1692k and Civil
18 Code §1788.30, *et seq.*

19 (d) For such other and further relief as may be just and proper.

20 (e) Plaintiff requests trial by jury on all issues so triable.

22 Dated: October 10, 2012

AMIR J. GOLDSTEIN, ESQ.

23
24 Amir J. Goldstein
25 Attorney for Plaintiff

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge Andrew Guilford and the assigned discovery Magistrate Judge is Arthur Nakazato.

The case number on all documents filed with the Court should read as follows:

SACV12- 1832 AG (ANx)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

Western Division
312 N. Spring St., Rm. G-8
Los Angeles, CA 90012

Southern Division
411 West Fourth St., Rm. 1-053
Santa Ana, CA 92701-4516

Eastern Division
3470 Twelfth St., Rm. 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

Name & Address:
 Amir J. Goldstein, Esq. (SBN: 255620)
 5455 Wilshire Boulevard, Suite 1812
 Los Angeles, CA 90036

**UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA**

EHTRAM U. MIRZA, v. ASSET ACCEPTANCE CAPITAL CORP. d.b.a. ASSET ACCEPTANCE, LLC and DOES 1 though 10, inclusive	PLAINTIFF(S)	CASE NUMBER
	DEFENDANT(S).	SUMMONS

TO: DEFENDANT(S):

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached complaint amended complaint counterclaim cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, Amir J. Goldstein, Esq., whose address is 5455 Wilshire Blvd. Suite 1812, Los Angeles, CA 90036. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Clerk, U.S. District Court

OCT 19 2012
 Dated: _____

By: MARILYN DAVIS
 Deputy Clerk



(Seal of the Court)

[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3).]

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

I (a) PLAINTIFFS (Check box if you are representing yourself <input type="checkbox"/>) EHTRAM U. MIRZA,	DEFENDANTS ASSET ACCEPTANCE CAPITAL CORP. d.b.a. ASSET ACCEPTANCE, LLC and DOES 1 through 10, inclusive				
(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) Amir J. Goldstein, Esq. 5455 Wilshire Blvd. Suite 1812, Los Angeles, CA 90036 323.937.0400					
II. BASIS OF JURISDICTION (Place an X in one box only.)					
<input type="checkbox"/> 1 U.S. Government Plaintiff <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)	III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant.)				
<input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	Citizen of This State <input type="checkbox"/> PTF <input type="checkbox"/> DEF <input type="checkbox"/> 1 <input type="checkbox"/> 1 Incorporated or Principal Place of Business in this State Citizen of Another State <input type="checkbox"/> PTF <input type="checkbox"/> DEF <input type="checkbox"/> 2 <input type="checkbox"/> 2 Incorporated and Principal Place of Business in Another State Citizen or Subject of a Foreign Country <input type="checkbox"/> 3 <input type="checkbox"/> 3 Foreign Nation <input type="checkbox"/> PTF <input type="checkbox"/> DEF <input type="checkbox"/> 6 <input type="checkbox"/> 6				
IV. ORIGIN (Place an X in one box only.)					
<input checked="" type="checkbox"/> 1 Original Proceeding <input type="checkbox"/> 2 Removed from State Court <input type="checkbox"/> 3 Remanded from Appellate Court <input type="checkbox"/> 4 Reinstated or Reopened <input type="checkbox"/> 5 Transferred from another district (specify): <input type="checkbox"/> 6 Multi-District Litigation <input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judge					
V. REQUESTED IN COMPLAINT: JURY DEMAND: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (Check 'Yes' only if demanded in complaint.) CLASS ACTION under F.R.C.P. 23: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No					
MONEY DEMANDED IN COMPLAINT: \$ _____					
VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.) 15 USC 1692 et seq; violations of the Fair Debt Collection Practices Act ("FDCPA")					
VII. NATURE OF SUIT (Place an X in one box only.)					
OTHER STATUTES <ul style="list-style-type: none"> <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input checked="" type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/ Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes 	CONTRACT <ul style="list-style-type: none"> <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise REAL PROPERTY <ul style="list-style-type: none"> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property 	TORTS PERSONAL INJURY <ul style="list-style-type: none"> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability IMMIGRATION <ul style="list-style-type: none"> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions 	TORTS PERSONAL PROPERTY <ul style="list-style-type: none"> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability BANKRUPTCY <ul style="list-style-type: none"> <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 CIVIL RIGHTS <ul style="list-style-type: none"> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment FORFEITURE / PENALTY <ul style="list-style-type: none"> <input type="checkbox"/> 446 American with Disabilities - Other 	PRISONER PETITIONS <ul style="list-style-type: none"> <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition FORFEITURE / PENALTY <ul style="list-style-type: none"> <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug CIVIL RIGHTS <ul style="list-style-type: none"> <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety /Health <input type="checkbox"/> 690 Other 	LABOR <ul style="list-style-type: none"> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act PROPERTY RIGHTS <ul style="list-style-type: none"> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWV (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) SOCIAL SECURITY <ul style="list-style-type: none"> <input type="checkbox"/> 866 FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609

FOR OFFICE USE ONLY: Case Number: SACV12-1832

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

VIII(a). **IDENTICAL CASES:** Has this action been previously filed in this court and dismissed, remanded or closed? No Yes
If yes, list case number(s): _____

VIII(b). **RELATED CASES:** Have any cases been previously filed in this court that are related to the present case? No Yes
If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) A. Arise from the same or closely related transactions, happenings, or events; or
 B. Call for determination of the same or substantially related or similar questions of law and fact; or
 C. For other reasons would entail substantial duplication of labor if heard by different judges; or
 D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: (When completing the following information, use an additional sheet if necessary.)

- (a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named plaintiff resides.
 Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District: [*]	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles	

- (b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named defendant resides.
 Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District: [*]	California County outside of this District; State, if other than California; or Foreign Country
Orange	

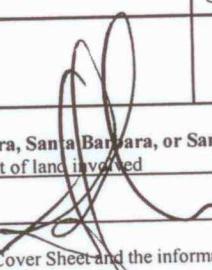
- (c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** claim arose.
Note: In land condemnation cases, use the location of the tract of land involved.

County in this District: [*]	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles	

* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

Note: In land condemnation cases, use the location of the tract of land involved

Date 10/10/12

X. SIGNATURE OF ATTORNEY (OR PRO PER): 

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))